

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:5098 OF 2006

Dated: 18.06.2007

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Between:

M.A.M. Qureshi

..Petitioner

And

1. The Conservator of Forests,
Khammam Circle, Khammam and others.

..Respondents

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:5098 OF 2006

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed aggrieved by order, dated 24.1.2006 passed by the A.P. Administrative Tribunal in O.A.No.1032 of 2005.

When the matter has come for hearing, it is submitted that the issue involved in this writ petition is squarely covered by the judgment of a Division Bench of this Court in W.P.No.11025 of 2006, dated 2.1.2007.

A perusal of the said judgment in W.P.11025 of 2006, clearly goes to show that the Principal Secretary to the Government (E.F.S & T) Department who issued the memo, dated 7.9.2003 directing the imposition of punishment, is the disciplinary authority and the petitioner was advised to file an appeal before the very same authority who imposed the punishment and in this context of the matter, the Division Bench of this Court set aside the order impugned therein by observing that it is a clear case of non application of mind.

Now, coming to the facts of the case on hand, the 2nd respondent-Principal Chief Conservator of Forests acted as the disciplinary authority who imposed the punishment and the appellate authority was stipulated as the Principal Secretary to Government.

In the above circumstances, We have no hesitation to hold that the facts of the case on hand are on a different footing and as such, the judgment of the Division Bench passed in the above batch of writ petitioners, cannot be made applicable.

In the instant case, the petitioner has directly approached the tribunal without availing the remedy of appeal.

In view of the alternative remedy of appeal that is available under the law, We feel it just and proper to give liberty to the petitioner to avail the remedy of appeal and the authorities concerned shall

entertain the same on its own merits irrespective of the delay in filing the same.

Subject to the above direction, this W.P. is disposed of.

Justice T. Meena Kumari

Justice G. Chandraiah

Date: 18th June, 2007
Nn/Gurc.

**HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH**

WRIT PETITION No:5098 OF 2006

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

18/06/2007

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